

# The Gazette of India

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### MINISTRY OF LAW (Legislative Department)

*New Delhi, the 11th April, 1962/Chaitra 21, 1884 (Saka)*

### THE NAGALAND SECURITY REGULATION, 1962 No. 5 OF 1962

Promulgated by the President in the Thirteenth Year of the Republic of India.

A Regulation to make special provision for the maintenance of public order by the suppression of subversive activities endangering the safety or security of Nagaland, for the maintenance of supplies and services essential to the life of the community and for the control of possession and disposal of certain articles in Nagaland and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, read with sub-paragraph (2) of paragraph 18 of the Sixth Schedule to the Constitution, the President is pleased to promulgate the following Regulation made by him:—

#### CHAPTER I PRELIMINARY

1. (1) This Regulation may be called the Nagaland Security Regulation, 1962. Short title  
extent and  
commence-  
ment.
- (2) It extends to the whole of Nagaland.
- (3) It shall come into force at once.
2. In this Regulation, unless the context otherwise requires,— Definitions.
- (1) "controlled article" means olive green cloth, jungle boots, torch, type-writer, duplicator, radio set or such other article as may be declared by the Governor by notification as being likely to be used by goondas for endangering the safety or security of Nagaland;

(2) "Deputy Commissioner" includes an additional Deputy Commissioner;

(3) "essential commodity" means food, water, fuel, light or power, and includes such other things as may be declared by the Governor by notification to be essential for the life of the community;

(4) "goonda" includes a hooligan or other rough;

(5) "Governor" means the Governor of Assam;

(6) "magistrate" means any person empowered to exercise the powers of a magistrate, as defined in the Code of Criminal Procedure, 1898;

5 of 1898.

(7) "notified" and "notification" mean notified and notification respectively in the Official Gazette;

(8) "prescribed" means prescribed by any order or rule made under this Regulation;

(9) "protected area" means an area declared under section 4 to be a protected area;

(10) "protected place" means a place declared under section 3 to be a protected place;

(11) "public servant" includes any public servant as defined in section 21 of the Indian Penal Code and any employee of any local authority or railway administration and any person engaged in any employment or class of employment which the Governor may, from time to time, declare by notification to be employment or class of employment essential to the life of the community;

45 of 1860.

(12) "subversive act" means any act which is intended or is likely—

(a) to endanger the safety or security of Nagaland;

(b) to organise, further or help the illegal acquisition, possession or use of—

(i) arms, ammunition or military stores as defined in the Indian Arms Act, 1878,

11 of 1878.

(ii) explosive substances as defined in the Explosive Substances Act, 1908,

6 of 1908.

(iii) corrosive substances;

(c) to further the activities of goondas;

(d) to prejudice the recruiting of, or the attendance of persons for service in, any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants or to tamper with the loyalty of such persons;

(e) to impede, delay or restrict—

(i) any work or operation, or

(ii) any means of transport or locomotion,

necessary for the production, procurement, supply or distribution of any essential commodity except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947;

14 of 1947.

*Explanation—*(i) Acts *bona fide* indicating disapprobation of the policy or measures of the Government with a view to obtaining their alteration by lawful means shall not be deemed to be acts which are intended or are likely to endanger the safety or security of the Nagaland.

(ii) An illegal strike or an illegal lock-out, as defined in section 24 of the Industrial Disputes Act, 1947, shall not be deemed to be an act in furtherance of an industrial dispute for the purposes of sub-clause (e).

14 of 1947.

(iii) The illegal acquisition, storage or movement of an essential commodity shall be deemed, for the purposes of sub-clause (e), to be an act which is intended and is likely to impede, delay and restrict the operation necessary for the procurement, supply and distribution of such commodity.

## CHAPTER II

### ACCESS TO CERTAIN PLACES AND AREAS

3. (1) If as respects any place or class of places the Governor considers it necessary or expedient in the public interest or in the interest of the safety and security of such place or class of places that special precautions should be taken to prevent the entry of unauthorised persons, he may by order declare that place, or, as the case may be, every place of that class to be a protected place; and thereupon, for so long as the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purposes of this Regulation.

Protected  
places.

(2) No person shall, without the permission of the Governor or of any person in authority connected with the protected place duly authorised by the Governor in this behalf or of the Deputy Commissioner having jurisdiction, enter, or be on or in, or pass over, any protected place and no person shall loiter in the vicinity of any such place.

(3) Where in pursuance of sub-section (2) any person is granted permission to enter, or to be on or in, or to pass over, a protected place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the authority which granted the permission.

(4) Any police officer, or any other person authorised in this behalf by the Governor, may search any person entering, or seeking to enter, or being on or in, or leaving, a protected place and any vehicle, animal or article brought in by such person and may, for the purpose of the search, detain such person, vehicle, animal or article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

(5) If any person is in a protected place in contravention of any provision of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the Governor.

(6) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Prote. ted  
areas.

4. (1) If the Governor considers it necessary or expedient in the public interest or in the interest of the safety and security of any area to regulate the entry of persons into that area, he may, without prejudice to any other provisions of this Regulation, by order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of this Regulation.

(2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-section (1), no person who was not immediately before the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a written permit granted to him by an authority or person specified in the said order.

(3) Any police officer, or any other person authorised in this behalf by the Governor, may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, animal or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, animal or article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

(4) If any person is in a protected area in contravention of any provision of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed

therefrom by or under the direction of any police officer on duty in the protected area or by any other person authorised in this behalf by the Governor.

(5) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

5. Any person who effects or attempts to effect entry into a protected place or protected area—

Forcing or evading a guard.

(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or preventing or controlling access to, such place or area, or

(b) after taking precautions to conceal his entry or attempted entry from any such person,

shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

### CHAPTER III

#### PUBLIC SAFETY AND ORDER

6. (1) No person shall do any act with intent to injuriously affect, whether by impairing the efficiency or impeding the working of anything or in any other manner whatsoever, or to cause damage to—

Sabotage

(a) any building, vehicle, machinery, apparatus or other property used or intended to be used, for the purposes of Government or of any local authority;

9 of 1890.

Beng. Act  
7 of 1923.

22 of 1934.

13 of 1885.

(b) any railway as defined in the Indian Railways Act, 1890, aerial ropeway as defined in the Bengal Aerial Ropeways Act, 1923, road, canal, canal embankments, protective bunds, sluice-gates, lock-gates, bridge, culvert, causeway, aerodrome as defined in the Indian Aircraft Act, 1934, air-field, air-strip or any installation thereon or any telegraph line or post as defined in the Indian Telegraph Act, 1885;

(c) any rolling-stock of a railway or aircraft;

(d) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory;

(e) any prohibited place as defined in clause (8) of section 2 of the Indian Official Secrets Act, 1923.

19 of 1923.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty imposed on him by any law or an order of any competent authority to do, as they apply to the doing of any act by a person.

(3) If any person contravenes any provision of this section, he shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

Penalty for subversive acts.

7. If any person commits any subversive act, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Punishment for carrying or possessing arms, etc., in suspicious circumstances.

8. Any person who carries on his person or knowingly has in his possession or under his control any arms, ammunition or military stores as defined in the Indian Arms Act, 1878, or any corrosive substance, in such manner or under such circumstances as to give rise to a reasonable suspicion that he does not carry any such article or substance on his person or have it in his possession or under his control for a lawful object, shall, unless he can show that he was carrying it on his person or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to fourteen years, to which fine may be added. II of 1878.

Definition of looting.

9. Whoever commits dacoity, robbery, theft, or theft in a building or vehicle or criminal misappropriation, if the commission of such offence takes place—

(a) during a riot or any disturbance of the public peace at or in the neighbourhood of the riot, or the place at which such disturbance of the public peace occurs, or

(b) in any area in which a riot or disturbance of the public peace has occurred and before law and order has been completely restored in such area, or

(c) in circumstances such that a person whose property is stolen or criminally misappropriated is not, as a consequence of rioting or any other disturbance of the public peace, present or able to protect such property,  
is said to commit the act of looting.

Use of force to stop looting.

10. Any police officer or any other person authorised in this behalf by the Governor may use such force as may be necessary even to the causing of death in order to stop the commission of the act of looting within his view.

11. (1) For the maintenance of public order or on grounds of <sup>Curfew.</sup> public security or for the prevention of smuggling, the Deputy Commissioner may, subject to the control of the Governor, by order direct that, subject to any exemption specified in the order, no person present within any area or areas specified in the order shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by a specified authority or person.

(2) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) Any police officer may arrest without warrant any person who is reasonably suspected of having committed, or of committing, a contravention of any order made under sub-section (1).

12. (1) If, in the opinion of the Governor it is necessary or expedient so to do for preventing or suppressing subversive acts or for <sup>Control of movements of commodities, articles or things.</sup> maintaining supplies and services essential to the life of the community, he may, by general or special order, prohibit or restrict the movement of any commodity, article or thing (including any vehicle, aircraft or animal), either generally or between any particular places or on any particular route.

(2) Every order made under sub-section (1) shall remain in force for such period not exceeding three months at any one time as may be specified in the order.

(3) If any person contravenes any order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both and the court trying the offence shall order that the commodity, article or thing (including any vehicle, aircraft or animal) in respect of which the offence has been committed shall be forfeited to the State.

13. (1) If the Governor is satisfied that the wearing in public of <sup>Unofficial uniform.</sup> any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of the Armed Forces or by a member of any Police Force or of any force constituted under any law for the time being in force would be likely to prejudice the public safety or the maintenance of public order, the Governor may, by general or special order, prohibit or restrict the wearing in public of any such dress or article of apparel.

(2) For the purposes of this section, a dress or an article of apparel shall be deemed to be worn in public if it is worn so as to be visible to a person in any place to which the public have access.

(3) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

#### CHAPTER IV

##### ACQUISITION, POSSESSION, MANUFACTURE, SALE, 'IMPORT', EXPORT AND TRANSPORT OF CONTROLLED ARTICLES

Unlicensed  
possession,  
sale and  
disposal of  
controlled  
article  
prohibited.

14. No person shall—

(a) acquire, have in his possession or under his control or carry; or

(b) manufacture, sell, transfer, convert or repair; or

(c) expose or offer for sale or transfer, or have in his possession for sale or transfer;

any controlled article except under a licence and in the manner and to the extent permitted by such licence.

Unlicensed  
importation  
and export-  
ation pro-  
hibited.

15. No person shall bring into, or take out of, Nagaland by land or air any controlled article except under a licence and in the manner and to the extent permitted by such licence.

Power to  
restrict or  
prohibit  
transport.

16. The Governor may, from time to time, by notification—

(a) direct that no person shall transport over Nagaland or any part thereof such controlled article as may be specified in the notification unless he holds in this behalf a licence issued under this Regulation; or

(b) prohibit such transport altogether; or

(c) modify, alter or rescind any such notification.

Power to  
establish  
searching  
stations.

17. The Governor may, at any place along the boundary line of Nagaland and at such distance within such line as he deems expedient, establish or cause to be established searching posts at which all persons, vehicles, carts and baggage-animals and all boxes, bales and packages in transit may be stopped and searched for controlled article by any officer empowered by the Governor in this behalf by name or by virtue of his office.



18. When any person is found carrying or conveying any controlled article, whether covered by any licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same is being carried or conveyed by him with intent to use it, or that the same may be used, for any unlawful purpose, any person authorised by the Governor in this behalf by name or by virtue of his office may arrest him without warrant and seize from him such controlled article.

Arrest of persons conveying controlled article under suspicious circumstances.

19. (1) Any person having in his possession any controlled article the possession whereof has, in consequence of the cancellation or expiry or suspension of a licence or by any reason whatsoever, ceased to be lawful, shall without unnecessary delay deposit the same either with the officer in charge of the nearest police station or with such other officer as may be prescribed by rules made by the Governor in this behalf.

Controlled article to be deposited in certain cases.

(2) When any controlled article has been deposited under subsection (1), the Governor may authorise the disposal of the same by sale or otherwise and the proceeds thereof shall be refunded to the owner of the said article, provided that nothing in this sub-section shall be deemed to authorise the disposal of anything the forfeiture of which has been ordered under section 12 or section 24.

20. Any licence granted under this Regulation may be modified, altered, varied, cancelled or suspended by the authority by whom the same was granted or by any authority to which he may be subordinate, if such authority deems it necessary so to do for the security of the public peace or for public safety.

Cancellation and suspension of licence.

21. Whoever—

Penalties.

(a) (i) acquires, has in his possession or under his control or carries, or

(ii) manufactures, sells, transfers, converts or repairs, or

(iii) exposes or offers for sale or transfer, or has in his possession for sale or transfer,

any controlled article in contravention of section 14; or

(b) brings into, or takes out of, Nagaland by land or air any controlled article in contravention of section 15; or

(c) transports over Nagaland or any part thereof any controlled article in contravention of section 16; or

(d) is found carrying or conveying any controlled article, whether covered by any licence or not, in such manner or under

such circumstances as to afford just grounds of suspicion that the same is being carried or conveyed by him with intent to use it, or that the same may be used, for any unlawful purpose; or

(e) fails to deposit any controlled article, as required by sub-section (1) of section 19; or

(f) intentionally makes any false entry in a record or account which by a rule made under clause (d) of sub-section (2) of section 41, he is required to maintain; or

(g) intentionally fails to exhibit anything which, by a rule made under clause (d) or clause (e) of sub-section (2) of section 41, he is required to exhibit,—

shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

Penalty for  
breach of  
licence.

22. Whoever contravenes any condition of a licence granted under this Regulation for which no punishment is provided elsewhere under this Regulation shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Penalty for  
knowingly  
purchasing  
controlled  
articles  
from un-  
licensed  
persons.

23. Whoever—

(a) knowingly purchases any controlled article from any person not licensed under this Regulation to sell the same; or

(b) delivers any controlled article into the possession of any person without previously ascertaining that such person is legally authorised to possess the same,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Power to  
confiscate.

24. When any person is convicted under this Regulation of any offence in respect of any controlled article, it shall be in the discretion of the convicting court or magistrate further to direct that the article and any vehicle, or other means of conveyance and any box, receptacle or thing containing, or used to conceal, the article shall be confiscated.

Search and  
seizure by  
magistrate.

25. (1) Whenever any magistrate has reason to believe—

(a) that any person residing within the local limits of his jurisdiction has in his possession any controlled article for any unlawful purpose, or

(b) that such person cannot be left in the possession of any such controlled article without danger to the public peace or safety.

the magistrate, after having recorded the reasons for his belief, may cause a search to be made of the house or premises occupied by such person or in which such magistrate has reason to believe that such controlled article is to be found, and may have such article, if any, seized and detain the same in safe custody for such period as he thinks necessary, although that person may be entitled by virtue of this Regulation or any other law for the time being in force to have the same in possession.

(2) Every search under this section shall be conducted by, or in the presence of, a magistrate or some officer specially empowered in this behalf by name or by virtue of his office by the Governor.

26. Where any controlled article in respect of which any offence under this Regulation has been or is being committed, is found in any premises, vehicle or other place in the joint occupation or under the joint control of several persons, each of such persons in respect of whom there is reason to believe that he was aware of the existence of the controlled article in the premises, vehicle or other place shall, unless the contrary is proved, be liable for that offence in the same manner as if the offence has been or is being committed by him alone.

Criminal responsibility of persons in occupation of premises in certain cases.

27. (1) The Governor may, from time to time, by notification, direct a census to be taken of all controlled articles in any area and empower any officer of Government to take such census.

Power to take census of controlled articles.

(2) On the issue of any such notification all persons having in their possession any controlled article in that area shall furnish to the officer concerned such information as he may require in relation thereto and shall produce before him such controlled article if he so requires.

(3) Any person refusing or neglecting to produce any such controlled article when so required shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

## CHAPTER V

### REQUISITIONING OF PROPERTY

28. (1) If in the opinion of the Governor it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community or for rehabilitating persons displaced from their residence.

Power to requisition property.

lands or shops due to disturbed conditions, he may by order in writing requisition any property, movable or immovable, and may make such further orders as appear to him to be necessary or expedient in connection with the requisitioning :

Provided that no place or premises used for the purpose of religious worship shall be requisitioned under this section.

(2) The Governor may use or deal with any property requisitioned under sub-section (1) in such manner as may appear to him to be expedient.

(3) The Central Government shall pay compensation for any property requisitioned under sub-section (1), and the principles according to which and the manner in which such compensation is to be determined and given shall be as follows :—

(a) where the amount of compensation can be fixed by agreement, it shall be paid within three months in accordance with such agreement;

(b) where no such agreement can be reached, the amount of compensation shall be such as an arbitrator appointed in this behalf by the Governor may award :

Provided that in the case of immovable property, the arbitrator shall be the Judicial Officer, Nagaland;

(c) in awarding the amount of compensation, the arbitrator shall have regard to the pecuniary loss attributable to the requisition and to any other circumstances which he considers to be just and proper;

(d) in the case of immovable property, the Governor may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned to assist the arbitrator and where such nomination is made, the person to be compensated may also nominate another person for the said purpose;

(e) an appeal shall lie to the High Court against an award of the arbitrator except in cases where the amount of compensation awarded does not exceed five thousand rupees in lump or, in the case of an amount payable periodically, two hundred and fifty rupees per month;

(f) the amount awarded as compensation by the arbitrator or ordered to be paid by the High Court on appeal under clause (e) shall be paid within three months of the date of the award made by the arbitrator or, as the case may be, the date of the order of the High Court;

(g) save as provided in this sub-section and in any rules made under section 41, nothing in any other law for the time being in force shall apply to an arbitration under this sub-section.

(4) Where any immovable property requisitioned under sub-section (1) is to be released from requisition, the Governor may, after making such enquiry, if any, as he considers necessary, specify by order in writing the person who appears to him to be entitled to the possession of such property.

(5) The delivery of possession of the immovable property requisitioned under sub-section (1) to the person specified in an order made under sub-section (4) shall be a full discharge of the Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled by due process of law to enforce against the person to whom possession of such property is so delivered.

(6) Where the person to whom possession of any immovable property requisitioned under sub-section (1) is to be given cannot be found or is not readily ascertainable or has no agent or other person empowered to accept delivery on his behalf, the Governor shall cause a notice declaring that such property is released from requisition to be affixed on some conspicuous part of such property and publish the notice in the Official Gazette.

(7) When a notice referred to in sub-section (6) is published in the Official Gazette, the immovable property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date.

(8) Where any immovable property requisitioned under sub-section (1) is released from requisition, compensation shall also be paid in respect of any damage done during the period of requisition to such property other than what may have been sustained by normal wear and tear or by natural causes, and where the amount of such compensation cannot be fixed by agreement, the matter shall be referred to an arbitrator and thereupon the provisions of sub-section (3) which are applicable to immovable property shall, as far as may be, apply.

(9) The Governor may, with a view to requisitioning any property under sub-section (1), by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified;

(b) direct that the owner, occupier, or person in possession of the property shall not without the permission of the Governor dispose of it or, where the property is a building, structurally alter it or, where the property is movable, remove it from the premises in which it is kept, till the expiry of such reasonable period as may be specified in the order.

(10) Without prejudice to any powers otherwise conferred by this Regulation, any person authorised in this behalf by the Governor may enter any premises between sunrise and sunset and inspect such premises and any property therein or thereon for the purpose of determining whether, and if so, in what manner, an order under this section should be made in relation to such premises or property, or with a view to securing compliance with any order made under this section.

(11) (a) The Governor may, at any time by order in writing, require the owner of any immovable property requisitioned under sub-section (1) to execute such repairs therein as he deems necessary and within such time as he may specify in the order.

(b) If the owner fails to execute or complete such repairs within the time specified, the Governor may cause such repairs to be executed or completed and the cost thereof shall be recoverable from the owner as if it were an arrear of land revenue.

(c) The Governor may, without prejudice to any other mode of recovery, deduct the cost referred to in clause (b) or any part thereof from the compensation payable to the owner under sub-section (3).

(12) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

## CHAPTER VI

### MISCELLANEOUS PROVISIONS

Power to  
obtain  
information.

29. (1) Without prejudice to any special provisions contained in this Regulation, the Governor may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information, or an article which the Governor considers

it necessary or expedient in the interest of the prevention or suppression of subversive acts to obtain or examine:

Provided that—

(i) no editor, printer or publisher of a newspaper shall be required to furnish or produce any such information or article in respect of any matter published in such newspaper, and

1 of 1872.

(ii) no person shall be required to furnish or produce any information or article which, under the provisions of the Indian Evidence Act, 1872, he cannot be compelled to furnish, or produce.

(2) No information furnished in pursuance of an order of the Governor under sub-section (1) shall be used in any prosecution against the person by whom the information has been furnished.

(3) If any person fails to furnish or produce any information or article in compliance with an order made under sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

30. If any person, when required by or under any of the provisions of this Regulation to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true in any material particular, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both. False statement.

31. (1) Save as otherwise expressly provided in this Regulation, every authority, officer or person who makes any order in writing in pursuance of any provision thereof shall publish or serve or cause to be served notice of such order in such manner as may be prescribed by rules made in this behalf. Publication and service of notices.

(2) Where this Regulation empowers an authority, officer, or person to take action by notified order, the provisions of sub-section (1) shall not apply in relation to such order.

(3) If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of any provision of this Regulation, compliance with sub-section (1), or in a case to which sub-section (2) applies, the notification of the order, shall be conclusive proof that he was so informed, but a failure to comply with sub-section (1)—

(i) shall not preclude proof by other means that he had information of the order; and

(ii) shall not affect the validity of the order.

Attempts,  
etc., to con-  
travene  
the provi-  
sions of the  
Regulation.

32. Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of, any of the provisions of this Regulation or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

Special  
provision for  
searches.

33. (1) In any area in which the Governor, as a consequence of apprehended danger to the public in such area, notifies in the Official Gazette in this behalf, any police officer or any person authorised by the Governor in this behalf may in any road, street, alley, public place, or open space, stop and search any person in such area for the purpose of ascertaining whether such person is carrying, in contravention of any law for the time being in force, any explosive or corrosive substance or any weapon of offence or any article which may be used as a weapon of offence and may seize any such substance together with its container, if any, or any such weapon or article discovered during such search :

Provided that every such search shall be made with due regard to decency and that no woman shall be searched except by a woman.

(2) Any officer authorised in this behalf by general or special order of a Deputy Commissioner or the Superintendent of Police may enter and search any place, vehicle, aircraft or animal and, for that purpose stop any vehicle, aircraft or animal and may seize any commodity, article or thing including any vehicle, aircraft or animal which, he has reason to believe, has been, is being or is about to be, used in contravening any order made under sub-section (1) of section 12 or for doing any subversive act.

(3) Anything seized under sub-section (1) shall be conveyed, and any commodity, article or thing including any vehicle, aircraft or animal seized under sub-section (2) shall be reported, without delay before a magistrate who may give such directions as to the temporary custody thereof as he may think fit, so, however, that where no prosecution in respect thereof is instituted within a period in his opinion reasonable, the magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal thereof as he deems expedient.

Cognizance  
of contra-  
ventions of  
the provi-  
sions of the  
Regulation  
or orders  
made there-  
under.

34. (1) No court shall take cognizance of any alleged contravention of the provisions of this Regulation or of any order made thereunder, except on a report in writing of the facts constituting such contravention, made by a public servant.



(2) Proceedings in respect of a contravention of the provisions of this Regulation or of any order made thereunder alleged to have been committed by any person may be taken before the appropriate court having jurisdiction in the place where that person is for the time being.

(3) No court inferior to that of a magistrate of the first class shall try any offence under this Regulation.

5 of 1898.

(4) Any magistrate or Bench of magistrates empowered for the time being to try in a summary way the offences specified in subsection (1) of section 260 of the Code of Criminal Procedure, 1898, may, if such magistrate or Bench of magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such provisions of this Regulation or order made thereunder as the Governor may, by notified order, specify in this behalf, in accordance with the procedure laid down in sections 262 to 265 of the said Code.

35. (1) No order made in exercise of any power conferred by or under this Regulation shall be called in question in any civil or criminal court. Saving as to orders.

1 of 1872.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Regulation, a court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority.

36. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is or is deemed to have been in good faith done or intended to be done in pursuance of this Regulation or any order made or deemed to have been made thereunder. Protection of action taken under this Regulation.

(2) No suit or other legal proceeding shall lie against Government for any damage caused or likely to be caused by anything which is or is deemed to have been in good faith done or intended to be done in pursuance of this Regulation or any order made or deemed to have been made thereunder.

37. The provisions of this Regulation shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force or any instrument having effect by virtue of any such law : Effect of the provisions of the Regulation when inconsistent with other law.

Provided that the provisions of this Regulation and any orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in such other law or instrument.

Saving.

38. No prohibition, restriction or disability imposed by or under this Regulation, unless otherwise expressly provided by any order made by the Governor or by an officer specially authorised by the Governor in this behalf, shall apply to anything done by, or under the direction of, any public servant acting in the course of his duty as such public servant.

Non-compliance with the provisions of the Regulation or any orders made thereunder.

39. If any person to whom any provision of this Regulation relates or to whom any order made in pursuance of any such provision is addressed or relates or who is in occupation, possession or control of any land, building, vehicle or other thing to which such provision relates or in respect of which such order is made, fails without lawful authority or excuse, himself, or in respect of any land, building, vehicle or other thing of which he is in occupation, possession, or control, to comply with such provision or order, he shall be deemed to have contravened such provision or order.

Delegation of powers and duties of the Governor.

40. The Governor may, by notified order, direct that any power (other than the power given to him under section 41 to make rules) or duty which is conferred or imposed by any provision of this Regulation upon the Governor shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by the Deputy Commissioner.

Power to make rules.

41. (1) The Governor may, by notification, make rules for carrying out the purposes of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the appointment, jurisdiction, control and functions of authorities empowered to grant licences;

(b) the form in which and the conditions subject to which any licence may be granted, varied, suspended or cancelled;

(c) the period for which any licence shall continue to be in force;

(d) the maintenance of records or accounts of anything done under a licence other than a licence under clause (a) of section 14, the form of, and the entries to be made in, such records or accounts and the exhibition of such records or accounts to any police officer or to any officer of Government empowered in this behalf;

(e) the entry and inspection by any police officer or by any officer of Government empowered in this behalf of any premises or other place in which controlled articles are manufactured or kept by any person holding a licence and the exhibition of the same to such officer;

(f) the production of a licence by any person holding the same or acting thereunder and of the controlled article covered by such licence, when called upon to do so by any police officer or any officer of the Government empowered in this behalf;

(g) the procedure to be followed in arbitrations under Chapter V of this Regulation and the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal;

(h) the manner of publication and service of notices referred to in sub-section (1) of section 31;

(i) any other matter which is to be, or may be, prescribed.

(3) Any person contravening the provisions of any rule made under this section shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

RAJENDRA PRASAD,  
*President.*

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R. C. S. SARKAR,  
*Secy. to the Govt. of India.*

